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EXAMINER	
YIMAM, HARUN M	
ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/923,078	BASSO ET AL.	
	Examiner	Art Unit	
	Harun M. Yimam	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Tillman (US 6,496,980).

Considering claim 1, Tillman discloses an internet network (14 in figure 1 and column 3, lines 54-58) based video replay system adapted for enabling a customer to view a video program (column 3, lines 32-37) comprising: a network (14 in figure 1) for providing a plurality of access programs selectively available to enable a customer to view a selected program (column 3, lines 32-37 and column 3, lines 42-45); wherein the network stores plurality of video programs for a predetermined period of time to permit customers to view selected programs upon demand (column 13, line 61 – column 14, line 4).

As for claim 2, Tillman discloses that the video programming is a live programming of events that is stored for a predetermined period of time to permit a user to time shift of selective programs upon demand (column 3, lines 32-35 and 41-45).

With regards to claim 3, Tillman discloses a replay portal (32 in figure 2) for storing a plurality of programs (40 in figure 2) and enabling a customer to selectively retrieve a selected program for viewing (column 5, lines 34-37).

Regarding claim 4, Tillman discloses storing a video program for a predetermined period of time for selective viewing by a customer (column 13, line 61 – column 14, line 4).

Considering claim 6, Tillman discloses that the replay portal is permitted to receive programs from live sources and broadcasts (18, 20 and 22 in figure 1) for retransmission to customers (column 3, line 38 – column 4, line 8).

As for claim 9, Tillman discloses a network includes a data sink (inherent since it does receive programs from a source) for receiving network programs and live programs from a provider, a storage unit (40 in figure 2) for receiving said network programs and live programs from the data sink and a data source for providing downstream viewing of selected programming.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tillman (US 6,496,980) and Norin (US 5,794,253).

Considering claim 5, Tillman discloses the network stores plurality of video programs for a predetermined period of time to permit customers to view selected programs upon demand (column 13, line 61 – column 14, line 4).

Tillman fails to disclose that the program is recorded over to enable a customer to retrieve one of a revised selection of a plurality of programs.

In analogous art, Norin discloses recording over an expired program to enable a customer to retrieve one of a revised selection of a plurality of programs (column 19, lines 24-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tillman 's system to include recording over an expired

program to provide a revised selection, as taught by Norin, for the benefit of saving space.

3. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tillman (US 6,496,980) and in view of Ovadia (US 6,400,720).

Considering claim 7, Tillman discloses a replay portal receiving programs for retransmission to customers.

Tillman fails to disclose a replay portal receiving programs from other replay portals for retransmission to customers.

In analogous art, Ovadia discloses a replay portal (16 in figure 1) receiving programs from other replay portals (14 in figure 1) for retransmission to customers (column 3, lines 23-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tillman's system to include broadcasts as one of the program sources, as taught by Ovadia, for the benefit of providing multiple programs to the customer.

As for claim 8, Tillman and Ovadia meet the claimed limitations. In particular, Ovadia discloses a primary hub (14 in figure 1) for distributing programs to a secondary

hub (16 in figure 1) and fiber optical connections from the secondary hub to a fiber node (18 in figure 1) for retransmission to individual customer homes (column 3, lines 23-40).

4. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tillman (US 6,496,980) and in view of Kenner (US 5,956,716).

Considering claim 10, Tillman discloses a storage unit storing network programs and live programs.

Tillman fails to disclose a storage manager unit for managing the selection of a particular program by a customer and for addition and removal of data from a store.

In analogous art, Kenner discloses a storage manager unit (PIM—Primary Index Manager) for managing the selection of a particular program by a customer and for addition and removal of data from a store (column 11, lines 59-64 and column 29, lines 50-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tillman's system to include a storage manager unit, as taught by Kenner, for the benefit of maintaining the data stored in its unit (column 29, lines 59-67).

As for claim 11, Kenner discloses that the storage manager is operative connected to a data sink for receiving data from upstream and writing the data to the store for a particular customer while making the data available for immediate delivery to a customer (column 16, lines 14-61).

With regards to claim 12, Kenner discloses a media manager for managing the selection of a particular program by a customer, said media manager including a backend frame format means for determining the encapsulation of media frames in real transport protocol (column 11, lines 45-59).

5. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tillman (US 6,496,980) and in view of LaJoie (US 5,850,218).

Considering claim 13, Tillman discloses a customer enabled to view a video program.

Tillman fails to disclose that the customer is enabled to pause, reverse and forward the viewing of the video program.

In analogous art, LaJoie discloses that a customer is enabled to pause, reverse and forward the viewing of the video program (column 8, lines 7-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tillman's system to include that a customer is enabled to pause, reverse and forward the viewing of the video program, as taught by LaJoie, for the benefit of interactivity.

As for claims 14 and 17, Tillman and LaJoie meet the claimed limitations. In particular, LaJoie discloses that the acquiring and the transfer of the video program is by a unicast real time transport protocol or any other unicast protocol (a provider transfers a video program and a customer acquires it—column 9, lines 48-52).

With regards to claim 16, Tillman and LaJoie meet the claimed limitations. In particular, LaJoie discloses that the acquiring of the video program is by inter portal communication (see figure 2)

Regarding claims 15 and 18, Tillman and LaJoie meet the claimed limitations. In particular, LaJoie discloses that the acquiring and the transfer of the video program is by a multicast real time transport protocol or any other multicast protocol (a provider transfers a video program and a customer acquires it—column 9, lines 48-52).

6. Claims 19-21, 23, 25, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tillman (US 6,496,980) and in view of LaJoie (US 5,850,218).

Considering claim 19, Tillman discloses an internet network (14 in figure 1 and column 3, lines 54-58) based video replay system adapted for enabling a customer to view a video program (column 3, lines 32-37) comprising: a network (14 in figure 1) for providing a plurality of access programs selectively available to enable a customer to view a selected program (column 3, lines 32-37 and column 3, lines 42-45); and a replay portal (32 in figure 2) for storing a plurality of programs (40 in figure 2) and enabling a customer to selectively retrieve a selected program for viewing (column 5, lines 34-37); wherein the replay portal stores plurality of video programs for a predetermined period of time to permit customers to view selected programs upon demand (column 13, line 61 – column 14, line 4).

Tillman fails to disclose that the customer is enabled to pause, reverse and forward the viewing of the video program.

In analogous art, LaJoie discloses that a customer is enabled to pause, reverse and forward the viewing of the video program (column 8, lines 7-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tillman's system to include that a customer is enabled to pause, reverse and forward the viewing of the video program, as taught by LaJoie, for the benefit of interactivity.

As for claim 20, Tillman and LaJoie meet the claimed limitations. In particular, Tillman discloses that the video programming is a live programming of events that is stored for a predetermined period of time to permit a user to time shift of selective programs upon demand (column 3, lines 32-35 and 41-45).

With regards to claim 21, Tillman and LaJoie meet the claimed limitations. In particular, Tillman discloses that said replay portal stores a program for at least one of a predetermined period of time and an undetermined period of time for selective viewing by a customer (column 13, line 61 – column 14, line 4).

Regarding claim 23, Tillman and LaJoie meet the claimed limitations. In particular, Tillman discloses that the replay portal is permitted to receive programs from live sources and broadcasts (18, 20 and 22 in figure 1) for retransmission to customers (column 3, line 38 – column 4, line 8).

Considering claim 25, Tillman and LaJoie meet the claimed limitations. In particular, Tillman discloses a network includes a data sink (inherent since it does receive programs from a source) for receiving network programs and live programs from a provider, a storage unit (40 in figure 2) for receiving said network programs and live programs from the data sink and a data source for providing downstream viewing of selected programming.

As for claim 29, Tillman and LaJoie meet the claimed limitations. In particular, LaJoie discloses that the acquiring of the video program is by a unicast real time transport protocol or any other unicast protocol (a provider transfers a video program and a customer acquires it—column 9, lines 48-52).

With regards to claim 30, Tillman and LaJoie meet the claimed limitations. In particular, LaJoie discloses that the acquiring of the video program is by a multicast real time transport protocol or any other multicast protocol (a provider transfers a video program and a customer acquires it—column 9, lines 48-52).

7. Claims 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tillman (US 6,496,980) and LaJoie (US 5,850,218), as applied to claim 21 above, and further in view of Norin (US 5,794,253).

Considering claim 22, Tillman and LaJoie disclose that the network stores plurality of video programs for a predetermined period of time to permit customers to view selected programs upon demand (Tillman—column 13, line 61 – column 14, line 4).

Tillman and LaJoie fail to disclose that the program is recorded over to enable a customer to retrieve one of a revised selection of a plurality of programs.

In analogous art, Norin discloses recording over an expired program to enable a customer to retrieve one of a revised selection of a plurality of programs (column 19, lines 24-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tillman and LaJoie to include recording over an expired program to provide a revised selection, as taught by Norin, for the benefit of saving space.

8. Claims 24 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tillman (US 6,496,980) and LaJoie (US 5,850,218), as applied to claim 19 above, and further in view of Ovadia (US 6,400,720).

Considering claim 24, Tillman and LaJoie disclose a replay portal receiving programs for retransmission to customers.

Tillman and LaJoie fail to disclose a replay portal receiving programs from other replay portals for retransmission to customers.

In analogous art, Ovadia discloses a replay portal (16 in figure 1) receiving programs from other replay portals (14 in figure 1) for retransmission to customers (column 3, lines 23-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tillman and LaJoie to include broadcasts as one of the program sources, as taught by Ovadia, for the benefit of providing multiple programs to the customer.

As for claim 31, Tillman, LaJoie, and Ovadia meet the claimed limitations. In particular, Ovadia discloses that the acquiring of the video program is by inter portal communication (see figure 1 and column 3, lines 23-40).

With regards to claim 32, Tillman, LaJoie, and Ovadia meet the claimed limitations. In particular, LaJoie discloses that the transfer of the video program is by a unicast real time transport protocol or any other unicast protocol (column 9, lines 48-52).

Regarding claim 33, Tillman, LaJoie, and Ovadia meet the claimed limitations. In particular, LaJoie discloses that the transfer of the video program is by a multicast real time transport protocol or any other multicast protocol (column 9, lines 48-52).

9. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tillman (US 6,496,980) and LaJoie (US 5,850,218), as applied to claim 25 above, and further in view of Kenner (US 5,956,716).

Considering claim 26, Tillman and LaJoie disclose a storage unit storing network programs and live programs.

Tillman and LaJoie fail to disclose a storage manager unit for managing the selection of a particular program by a customer and for addition and removal of data from a store.

In analogous art, Kenner discloses a storage manager unit (PIM—Primary Index Manager) for managing the selection of a particular program by a customer and for addition and removal of data from a store (column 11, lines 59-64 and column 29, lines 50-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tillman and LaJoie to include a storage manager unit, as taught by Kenner, for the benefit of maintaining the data stored in its unit (column 29, lines 59-67).

As for claim 27, Tillman, LaJoie, and Kenner meet the claimed limitations. In particular, Kenner discloses that the storage manager is operative connected to a data sink for receiving data from upstream and writing the data to the store for a particular customer while making the data available for immediate delivery to a customer (column 16, lines 14-61).

With regards to claim 28, Tillman, LaJoie, and Kenner meet the claimed limitations. In particular, Kenner discloses a media manager for managing the selection of a particular program by a customer, said media manager including a backend frame format means for determining the encapsulation of media frames in real transport protocol (column 45-59).

10. Claims 34-36 and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tillman (US 6,496,980) and in view of LaJoie (US 5,850,218).

Considering claim 34, Tillman discloses an internet network (14 in figure 1 and column 3, lines 54-58) based video replay system adapted for enabling a customer to view a video program (column 3, lines 32-37) comprising: a network (14 in figure 1) for providing a plurality of access programs selectively available to enable a customer to view a selected program (column 3, lines 32-37 and column 3, lines 42-45); and a customer replay portal (32 in figure 2) for storing a plurality of programs (40 in figure 2) and enabling a customer to selectively retrieve a selected program for viewing (column 5, lines 34-37); wherein the customer replay portal stores a plurality of video programs for at least one of a predetermined period of time and an undetermined period of time (column 13, line 61 – column 14, line 4) to permit the customer to view selected programs upon demand (column 13, line 61 – column 14, line 4).

Tillman fails to disclose that the customer replay portal is maintained by the customer and that the customer is enabled to pause, reverse and forward the viewing of the video program.

In analogous art, LaJoie discloses that the customer replay portal is maintained by the customer (column 9, lines 52-58) and that a customer is enabled to pause, reverse and forward the viewing of the video program (column 8, lines 7-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tillman's system to include that a customer is enabled to pause, reverse and forward the viewing of the video program, as taught by LaJoie, for the benefit of interactivity.

As for claim 35, Tillman and LaJoie meet the claimed limitations. In particular, Tillman discloses that the video programming is a live programming of events that is stored for a predetermined period of time to permit a user to time shift of selective programs upon demand (column 3, lines 32-35 and 41-45).

With regards to claim 36, Tillman and LaJoie meet the claimed limitations. In particular, Tillman discloses that the replay portal is permitted to receive programs from live sources and broadcasts (18, 20 and 22 in figure 1) for retransmission to customers (column 3, line 38 – column 4, line 8).

Regarding claim 38, Tillman and LaJoie meet the claimed limitations. In particular, LaJoie discloses that the acquiring of the video program is by a unicast real time transport protocol or any other unicast protocol (a provider transfers a video program and a customer acquires it—column 9, lines 48-52).

Considering claim 39, Tillman and LaJoie meet the claimed limitations. In particular, LaJoie discloses that the acquiring of the video program is by a multicast real time transport protocol or any other multicast protocol (a provider transfers a video program and a customer acquires it—column 9, lines 48-52).

As for claim 40, Tillman and LaJoie meet the claimed limitations. In particular, LaJoie discloses that the acquiring of the video program is by inter portal communication (see figure 2)

With regards to claim 41, Tillman and LaJoie meet the claimed limitations. In particular, LaJoie discloses that the acquiring of the video program is by transfer from a network based portal operated by a service provider (column 9, lines 48-48).

Regarding claim 42, Tillman and LaJoie meet the claimed limitations. In particular, LaJoie discloses that the acquiring of the video program is by transfer from a network based portal operated by another customer (column 9, lines 48-48).

11. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tillman (US 6,496,980) and LaJoie (US 5,850,218), as applied to claim 34 above, and further in view of Kenner (US 5,956,716).

Considering claim 26, Tillman and LaJoie disclose a storage unit storing network programs and live programs.

Tillman and LaJoie fail to disclose a media manager for managing the selection of a particular program by a customer, said media manager including a backend frame format means for determining the encapsulation of media frames in real transport protocol

In analogous art, Kenner discloses a media manager for managing the selection of a particular program by a customer, said media manager including a backend frame format means for determining the encapsulation of media frames in real transport protocol (column 11, lines 45-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tillman and LaJoie to include a storage manager unit, as taught by Kenner, for network transmission purposes (column 11, lines 52-59).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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